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PART III

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

NOTIFICATION

The 5th April, 2018

No. 13 Rules/XI.Y.16.—In accordance with the provisions of Section 23 of the General Clauses Act, 1897 (Act X of 1897), the following draft amendment in the Code of Civil Procedure, 1908 (Act V of 1908) which the High Court of Punjab and Haryana at Chandigarh proposes to make under Section 122 of that Code, is published for information of all persons likely to be affected thereby. Any objection to the said amendment should be addressed in writing to the Registrar, High Court of Punjab and Haryana at Chandigarh, so as to reach him within fifteen days after the publication of this notification in the Government Gazettes of Punjab, Haryana and Chandigarh Administration whereafter the draft amendments will be finally considered:-

1. Rule 2-B in Order XXII (Punjab & Haryana High Court Amendments) of the Code of Civil Procedure, 1908 (Act V of 1908) is amended as under:-

"2B. The duty to bring on record the legal representatives of the deceased-defendant shall be of the heirs of the deceased although the person who is dominus litis shall also be at liberty to move application to bring on record the legal representatives of the deceased- defendant."

II. Rule 4(3) in Order XXII (Punjab & Haryana High Court Amendments) of the Code of Civil Procedure, 1908 (Act V of 1908) is amended as under:-

"4(3). Where within the time limited by law no application is made under sub-rule (1), the suit shall not abate as against the deceased-defendant and the judgment may be pronounced notwithstanding his death and shall have the same effect as if it has been pronounced before the death took place, and the contract between the deceased and the pleader in that event shall continue to subsist."

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES

ARUN KUMAR TYAGI,
REGISTRAR GENERAL.